5 March 1997

Memorandum For: Fred Wickham, DO Focal Point for JFK
Linda Cipriani, OGC Focal Point for JFK

From: Barry Harrelson BHA
JFK Project Officer

Subject: (U) CIA Employees Names in JFK Records

(AIOU) In meetings on March 4, 1997, I raised with David Marwell and Jeremy Gunn my concerns with the large number of employee names scheduled for review in May 1997 and the potential harm to the Agency if most of these names are released. I found both receptive to our concerns and willing to re-open the issue of the release of CIA employees true names with the Board. Marwell cautioned, however, that they could not predict the Board's response and that we should move expeditiously to provide our "evidence" to the Board.

(U) If you agree with my assessment of the situation (see below), I recommend we move quickly to engage upper management and prepare the necessary material. Please provide your response as soon as possible.

Background

(AIOU) In March 1996, the ARRB agreed to protect the names of all Agency staff employees that appear in JFK documents until May 1997. The agreement reflected the Board's recognition of the need to facilitate the document review, and that it would take time for the Agency to collect evidence to defend individual names.

(AIOU) Jeremy Gunn's memo summarizing the Board's approach to the release of CIA employee names describes a name-by-name approach and sets categories and specific requirements for the release or protection of an individual. Even if the DO is able to complete the research on all employees protected to date (590), it is unlikely that it will be able to develop the type of evidence required by the Board to protect most individuals. Under a name-by-name approach, we can expect a majority of the names to be released.

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Issue

(AIOU) There is considerable concern among HRG reviewers that the continued release of hundreds of Agency employees' true names has the potential to do unacceptable harm to US national security. The harm from release of a large number of names lies in the fact that the potential damage cannot be measured. This is due to the ripple effect that would occur among assets in many places, with many liaison services and multiple cover entities.

(U) To date, 590 CIA employee names, mostly DO, have been protected and are subject to review by the Board in May 1997. Most of these individuals have little or no connection to the JFK assassination story. This number is much larger than we anticipated when we agreed in March 1996 to the case-by-case approach.

(S) The decisions made by the Board at the May meeting will set a precedent for the potentially hundreds of additional names not yet identified. We have reviewed only the Oswald 201 file and 12 boxes of the JFK sequestered collection. At this point it is impossible to determine the total number of employees mentioned in the JFK collection. For example in Box 48, there is a 155 page Position Control Register listing all employees in Far East Division including the Tokyo station.

Recommendation

(AIOU) That the Agency re-visit the name issue with the ARRB based on the following considerations:

* It should be recognized that there are two separate aspects of the public interest involved in this matter, and that it is necessary to achieve a reasonable balance between them. On the one hand, it is clear that it is now in the public interest to release as much of our JFK collection as is possible. On the other hand, it is equally clear that it is in the public interest for this Agency to maintain its essential security and cover practices in order to be able to serve the nation effectively in accordance with its enabling legislation.

* It is not in the public's interest for one of the fundamental principles of an intelligence agency--protecting the identity of covert employees--to continue to be eroded. While it is not always possible to show harm by the release of any one individual's name, the magnitude of the JFK release

clearly has the potential to do harm to the Agency as an institution and to national security. There is simply no way to measure the possible effect of such a release on past and future employees, agents, liaison relationships and operations.

* Since most of the individuals involved have little or no connection with the JFK assassination, the release of their true names does not add to the assassination story. The substitution of pseudonyms or other identifier would meet the historian's need to track who is saying what to whom, etc.

* However, the Agency does recognizes that there are some employees who are part of the JFK story (many of their names have already been released). We propose that the ARRB staff and HRG work together to establish a list of individuals who fit this category. These are the names that would be released unless the Agency is able to provide the required evidence of current harm.

This approach would serve both the public's and the Agency's interests. It would also allow the Agency to focus its resources on completing the review and responding to the special requests of the Board, instead of spending an inordinate amount of time and money on individuals of marginal or no interest to the JFK story.

(C) [Note: There is also the issue of State Department equities and the impact of officially acknowledging as CIA hundreds of officers who were under official State cover.]

Proposed Action

(AIOU) We have a little over two months to resolve this issue and be ready for the ARRB meeting, May 12-13. Support from top management including a willingness to raise the issue with the acting/new DCI and possibly the White House is critical to success. I envision a memorandum to the Board similar to the one prepared on sources. However, I recommend it be signed by the General Counsel. We should also be prepared to discuss the issue directly with the Board since we are asking them to reconsider a decision in which we initially concurred.

(AIOU) Mr. Marwell recommends that we include examples of documents with names of marginal interest in our package. He also would like to start immediately preparing a list of those names which are "important to the assassination story". If you concur, HRG and DO JFK reviewers could begin immediately on these two tasks.

(AIOU) The Board has meetings scheduled for 13-14 March, 2-3 April and 23-24 April. I recommend that we begin discussions with ARRB staff as soon as possible with the goal of having the memo ready no later than the 2-3 April meeting. It is important that the DO continue to develop evidence on the individuals who are scheduled for review in May. The worst possible scenario is not succeeding with the new proposal, and then not being ready to defend those individuals who truly need to be protected.